

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY T. NEWELL,

Plaintiff,

CIVIL ACTION NO. 05-CV-60106-AA

v.

DISTRICT JUDGE JOHN CORBETT O'MEARA

MAGISTRATE JUDGE DONALD A. SCHEER

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

_____ /

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

RECOMMENDATION: The instant complaint seeking judicial review of the denial of Social Security disability benefits should be DISMISSED, at the request of the Plaintiff.

* * *

Plaintiff filed an application for Social Security disability insurance benefits on October 4, 2001, alleging that he had become disabled and unable to work on September 21, 2001, at age 55, due to cardiac problems, hypertension, arthritis and narcolepsy. Benefits were denied by the Social Security Administration. A requested de novo hearing was held on March 11, 2004, before Administrative Law Judge (ALJ) Ethel M. Revels. The ALJ found that the claimant retained the residual functional capacity to perform a limited range of light work. The ALJ restricted claimant from climbing, kneeling, overhead reaching, squatting and crawling. The Law Judge also found that Plaintiff needed a sit-stand option.

The Appeals Council declined to review that decision and Plaintiff commenced the instant action for judicial review of the denial of benefits.

After the Commissioner filed an Answer to the Complaint, Plaintiff mailed a handwritten letter to the Court seeking to voluntarily dismiss his case. The letter, mailed on August 26, 2005, seeks dismissal based on the advice of several attorneys. Plaintiff stated in his letter that there was insufficient medical evidence to support his claim for disability benefits. Accordingly, the instant Complaint should be dismissed at the request of Plaintiff.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: September 6, 2005

CERTIFICATE OF SERVICE

I hereby certify on September 6, 2005 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on September 6, 2005. **Gregory Newell.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217